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Attorney for Plaintiffs\*

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAI‘I

|                                |   |                             |
|--------------------------------|---|-----------------------------|
| HUI HO‘OMALU I KA ‘ĀINA;       | ) | Civil No. 17-00423 ACK RLP  |
| CONSERVATION COUNCIL FOR       | ) |                             |
| HAWAI‘I; and CENTER FOR        | ) | ORDER AND JOINT STIPULATION |
| BIOLOGICAL DIVERSITY,          | ) | FOR DISMISSAL OF ALL CLAIMS |
|                                | ) |                             |
| Plaintiffs,                    | ) |                             |
|                                | ) |                             |
| v.                             | ) |                             |
|                                | ) |                             |
| HAWAI‘I DEPARTMENT OF          | ) |                             |
| TRANSPORTATION; and FORD       | ) |                             |
| FUCHIGAMI, Director of Hawai‘i | ) |                             |
| Department of Transportation,  | ) |                             |
|                                | ) |                             |
| Defendants.                    | ) |                             |
|                                | ) |                             |

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ORDER AND JOINT STIPULATION FOR DISMISSAL OF ALL CLAIMS

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), IT IS HEREBY  
STIPULATED by and between plaintiffs Hui Ho‘omalua I Ka ‘Āina, Conservation

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\* Pursuant to Local Rule 10.2(b), the complete list of parties represented is set forth on the signature page.

Council for Hawai‘i and Center for Biological Diversity (collectively, “Plaintiffs”) and defendants Hawai‘i Department of Transportation and Hawai‘i Department of Transportation Director Ford Fuchigami (collectively, “Defendants”), by and through their respective counsel and without any admission of law or fact, that:

1. Defendants withdraw their pending Motion to Dismiss Plaintiffs’ Amended Complaint (Dkt. No. 19);
2. All of Plaintiffs’ claims against Defendant Hawai‘i Department of Transportation in the above-captioned matter are dismissed with prejudice;
3. All of Plaintiffs’ claims against Defendant Hawai‘i Department of Transportation Director Ford Fuchigami in the above-captioned matter are dismissed without prejudice; and
4. Each side shall bear its own costs and fees.

Executed this 26<sup>th</sup> day of September, 2017.

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By: /s/ David L. Henkin  
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By: /s/ John H. Price  
JOHN H. PRICE  
Attorneys for Defendants

APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii, September 27, 2017



Alan C. Kay  
Alan C. Kay  
Sr. United States District Judge

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Hui Ho‘omaluku I Ka ‘Āina, et al., v. Hawai‘i Department of Transportation, et al.,  
Civil No. 17-00423 ACK RLP (D. Haw); ORDER AND JOINT STIPULATION  
FOR DISMISSAL OF ALL CLAIMS